

AMENDED IN SENATE AUGUST 26, 2016

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2299

Introduced by Assembly Member Bloom
(Principal coauthor: Senator Wieckowski)

February 18, 2016

An act to amend Section 65852.2 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL’S DIGEST

AB 2299, as amended, Bloom. Land use: housing: 2nd units.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. Existing law authorizes the ordinance to designate areas within the jurisdiction of the local agency where 2nd units may be permitted, to impose specified standards on 2nd units, and to provide that 2nd units do not exceed allowable density and are a residential use, as specified.

This bill would replace the term “second unit” with “accessory dwelling unit.” The bill would, instead, require the ordinance to include the elements described above and would also require the ordinance to require accessory dwelling units to comply with specified conditions. This bill would require ministerial, nondiscretionary approval of an accessory dwelling unit under an existing ordinance. The bill would

also specify that a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

Existing law requires that parking requirements for 2nd units not exceed one parking space per unit or per bedroom. Under existing law, additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the 2nd unit and are consistent with existing neighborhood standards applicable to residential dwellings.

This bill would delete the above-described authorization for additional parking requirements.

By increasing the duties of local officials with respect to land use regulations, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by SB 1069 that would become operative only if SB 1069 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65852.2 of the Government Code is
- 2 amended to read:
- 3 65852.2. (a) (1) A local agency may, by ordinance, provide
- 4 for the creation of accessory dwelling units in single-family and
- 5 multifamily residential zones. The ordinance shall do all of the
- 6 following:
- 7 (A) Designate areas within the jurisdiction of the local agency
- 8 where accessory dwelling units may be permitted. The designation
- 9 of areas may be based on criteria, that may include, but are not
- 10 limited to, the adequacy of water and sewer services and the impact
- 11 of accessory dwelling units on traffic flow and public safety.
- 12 (B) Impose standards on accessory dwelling units that include,
- 13 but are not limited to, parking, height, setback, lot coverage,

1 landscape, architectural review, maximum size of a unit, and
2 standards that prevent adverse impacts on any real property that
3 is listed in the California Register of Historic Places.

4 (C) Notwithstanding subparagraph (B), a local agency may
5 reduce or eliminate parking requirements for any accessory
6 dwelling unit located within its jurisdiction.

7 (D) Provide that accessory dwelling units do not exceed the
8 allowable density for the lot upon which the accessory dwelling
9 unit is located, and that accessory dwelling units are a residential
10 use that is consistent with the existing general plan and zoning
11 designation for the lot.

12 (E) Require the accessory dwelling units to comply with all of
13 the following:

14 (i) The unit is not intended for sale separate from the primary
15 residence and may be rented.

16 (ii) The lot is zoned for single-family or multifamily use.

17 (iii) The accessory dwelling unit is either attached to the existing
18 dwelling or located within the living area of the existing dwelling
19 or detached from the existing dwelling and located on the same
20 lot as the existing dwelling.

21 (iv) The increased floor area of an attached accessory dwelling
22 unit shall not exceed 50 percent of the existing living area.

23 (v) The total area of floorspace for a detached accessory
24 dwelling unit shall not exceed 1,200 square feet.

25 (vi) No passageway shall be required in conjunction with the
26 construction of an accessory dwelling unit.

27 (vii) No setback shall be required for an existing garage that is
28 converted to a accessory dwelling unit, and a setback of no more
29 than five feet from the side and rear lot lines shall be required for
30 an accessory dwelling unit that is constructed above a garage.

31 (viii) Local building code requirements that apply to detached
32 dwellings, as appropriate.

33 (ix) Approval by the local health officer where a private sewage
34 disposal system is being used, if required.

35 (x) (I) Parking requirements for accessory dwelling units shall
36 not exceed one parking space per unit or per bedroom. These spaces
37 may be provided as tandem parking on an existing driveway.

38 (II) Offstreet parking shall be permitted in setback areas in
39 locations determined by the local agency or through tandem
40 parking, unless specific findings are made that parking in setback

1 areas or tandem parking is not feasible based upon specific site or
2 regional topographical or fire and life safety conditions, or that it
3 is not permitted anywhere else in the jurisdiction.

4 (xi) When a garage, carport, or covered parking structure is
5 demolished in conjunction with the construction of an accessory
6 dwelling unit, and the local agency requires that those offstreet
7 parking spaces be replaced, the replacement spaces may be located
8 in any configuration on the same lot as the accessory dwelling
9 unit, including, but not limited to, as covered spaces, uncovered
10 spaces, or tandem spaces, or by the use of mechanical automobile
11 parking lifts.

12 (2) The ordinance shall not be considered in the application of
13 any local ordinance, policy, or program to limit residential growth.

14 (3) When a local agency receives its first application on or after
15 July 1, 2003, for a permit pursuant to this subdivision, the
16 application shall be considered ministerially without discretionary
17 review or a hearing, notwithstanding Section 65901 or 65906 or
18 any local ordinance regulating the issuance of variances or special
19 use permits, within 120 days after receiving the application. A
20 local agency may charge a fee to reimburse it for costs that it incurs
21 as a result of amendments to this paragraph enacted during the
22 2001–02 Regular Session of the Legislature, including the costs
23 of adopting or amending any ordinance that provides for the
24 creation of accessory dwelling units.

25 (4) Any existing ordinance governing the creation of accessory
26 dwelling units by a local agency or any such ordinance adopted
27 by a local agency subsequent to the effective date of the act adding
28 this paragraph shall provide an approval process that includes only
29 ministerial provisions for the approval of accessory dwelling units
30 and shall not include any discretionary processes, provisions, or
31 requirements for those units except as otherwise provided in this
32 subdivision. In the event that a local agency has an existing
33 accessory dwelling unit ordinance that fails to meet the
34 requirements of this subdivision, that ordinance shall be null and
35 void upon the effective date of the act adding this paragraph and
36 that agency shall thereafter apply the standards established in this
37 subdivision for the approval of accessory dwelling units, unless
38 and until the agency adopts an ordinance that complies with this
39 section.

1 (5) No other local ordinance, policy, or regulation shall be the
2 basis for the denial of a building permit or a use permit under this
3 subdivision.

4 (6) This subdivision establishes the maximum standards that
5 local agencies shall use to evaluate proposed accessory dwelling
6 units on lots zoned for residential use that contain an existing
7 single-family dwelling. No additional standards, other than those
8 provided in this subdivision, shall be utilized or imposed, except
9 that a local agency may require an applicant for a permit issued
10 pursuant to this subdivision to be an owner-occupant.

11 (7) A local agency may amend its zoning ordinance or general
12 plan to incorporate the policies, procedures, or other provisions
13 applicable to the creation of accessory dwelling units if these
14 provisions are consistent with the limitations of this subdivision.

15 (8) An accessory dwelling unit that conforms to this subdivision
16 shall be deemed to be an accessory use or an accessory building
17 and shall not be considered to exceed the allowable density for the
18 lot upon which it is located, and shall be deemed to be a residential
19 use that is consistent with the existing general plan and zoning
20 designations for the lot. The accessory dwelling units shall not be
21 considered in the application of any local ordinance, policy, or
22 program to limit residential growth.

23 (b) When a local agency that has not adopted an ordinance
24 governing accessory dwelling units in accordance with subdivision
25 (a) receives its first application on or after July 1, 1983, for a permit
26 pursuant to this subdivision, the local agency shall accept the
27 application and approve or disapprove the application ministerially
28 without discretionary review pursuant to subdivision (a) within
29 120 days after receiving the application.

30 (c) A local agency may establish minimum and maximum unit
31 size requirements for both attached and detached accessory
32 dwelling units. No minimum or maximum size for a accessory
33 dwelling unit, or size based upon a percentage of the existing
34 dwelling, shall be established by ordinance for either attached or
35 detached dwellings that does not permit at least an efficiency unit
36 to be constructed in compliance with local development standards.

37 (d) Fees charged for the construction of accessory dwelling
38 units shall be determined in accordance with Chapter 5
39 (commencing with Section 66000).

(e) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units, provided those requirements comply with subdivision (a).

(f) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(g) As used in this section, the following terms mean:

(1) “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5.

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(C) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(h) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second~~ accessory dwelling units in single-family and multifamily residential zones. The ordinance ~~may do any~~ shall do all of the following:

1 (A) Designate areas within the jurisdiction of the local agency
2 where ~~second~~ *accessory dwelling* units may be permitted. The
3 designation of areas may be based on criteria, that may include,
4 but are not limited to, the adequacy of water and sewer services
5 and the impact of ~~second~~ *accessory dwelling* units on traffic ~~flow~~.
6 *flow and public safety*.

7 (B) (i) Impose standards on ~~second~~ *accessory dwelling* units
8 that include, but are not limited to, parking, height, setback, lot
9 coverage, *landscape*, architectural review, maximum size of a unit,
10 and standards that prevent adverse impacts on any real property
11 that is listed in the California Register of Historic Places.

12 (ii) *Notwithstanding clause (i), a local agency may reduce or*
13 *eliminate parking requirements for any accessory dwelling unit*
14 *located within its jurisdiction.*

15 (C) Provide that ~~second~~ *accessory dwelling* units do not exceed
16 the allowable density for the lot upon which the ~~second~~ *accessory*
17 *dwelling* unit is located, and that ~~second~~ *accessory dwelling* units
18 are a residential use that is consistent with the existing general
19 plan and zoning designation for the lot.

20 (D) *Require the accessory dwelling units to comply with all of*
21 *the following:*

22 (i) *The unit is not intended for sale separate from the primary*
23 *residence and may be rented.*

24 (ii) *The lot is zoned for single-family or multifamily use and*
25 *contains an existing, single-family dwelling.*

26 (iii) *The accessory dwelling unit is either attached to the existing*
27 *dwelling or located within the living area of the existing dwelling*
28 *or detached from the existing dwelling and located on the same*
29 *lot as the existing dwelling.*

30 (iv) *The increased floor area of an attached accessory dwelling*
31 *unit shall not exceed 50 percent of the existing living area, with a*
32 *maximum increase in floor area of 1,200 square feet.*

33 (v) *The total area of floorspace for a detached accessory*
34 *dwelling unit shall not exceed 1,200 square feet.*

35 (vi) *No passageway shall be required in conjunction with the*
36 *construction of an accessory dwelling unit.*

37 (vii) *No setback shall be required for an existing garage that is*
38 *converted to a accessory dwelling unit, and a setback of no more*
39 *than five feet from the side and rear lot lines shall be required for*
40 *an accessory dwelling unit that is constructed above a garage.*

1 (viii) *Local building code requirements that apply to detached*
2 *dwelling, as appropriate.*

3 (ix) *Approval by the local health officer where a private sewage*
4 *disposal system is being used, if required.*

5 (x) (I) *Parking requirements for accessory dwelling units shall*
6 *not exceed one parking space per unit or per bedroom. These*
7 *spaces may be provided as tandem parking on an existing*
8 *driveway.*

9 (II) *Offstreet parking shall be permitted in setback areas in*
10 *locations determined by the local agency or through tandem*
11 *parking, unless specific findings are made that parking in setback*
12 *areas or tandem parking is not feasible based upon specific site*
13 *or regional topographical or fire and life safety conditions, or that*
14 *it is not permitted anywhere else in the jurisdiction.*

15 (III) *This clause shall not apply to a unit that is described in*
16 *subdivision (d).*

17 (xi) *When a garage, carport, or covered parking structure is*
18 *demolished in conjunction with the construction of an accessory*
19 *dwelling unit, and the local agency requires that those offstreet*
20 *parking spaces be replaced, the replacement spaces may be located*
21 *in any configuration on the same lot as the accessory dwelling*
22 *unit, including, but not limited to, as covered spaces, uncovered*
23 *spaces, or tandem spaces, or by the use of mechanical automobile*
24 *parking lifts. This clause shall not apply to a unit that is described*
25 *in subdivision (d).*

26 (2) *The ordinance shall not be considered in the application of*
27 *any local ordinance, policy, or program to limit residential growth.*

28 (3) *When a local agency receives its first application on or after*
29 *July 1, 2003, for a permit pursuant to this subdivision, the*
30 *application shall be considered ministerially without discretionary*
31 *review or a hearing, notwithstanding Section 65901 or 65906 or*
32 *any local ordinance regulating the issuance of variances or special*
33 *use permits. Nothing in this paragraph may be construed to require*
34 *a local government to adopt or amend an ordinance for the creation*
35 *of second units. permits, within 120 days after receiving the*
36 *application. A local agency may charge a fee to reimburse it for*
37 *costs that it incurs as a result of amendments to this paragraph*
38 *enacted during the 2001–02 Regular Session of the Legislature,*
39 *including the costs of adopting or amending any ordinance that*

1 provides for the creation of ~~second units~~; *an accessory dwelling*
2 *unit*.

3 ~~(b) (1) When a local agency which has not adopted an ordinance~~
4 ~~governing second units in accordance with subdivision (a) or (c)~~
5 ~~receives its first application on or after July 1, 1983, for a permit~~
6 ~~pursuant to this subdivision, the local agency shall accept the~~
7 ~~application and approve or disapprove the application ministerially~~
8 ~~without discretionary review pursuant to this subdivision unless~~
9 ~~it adopts an ordinance in accordance with subdivision (a) or (c)~~
10 ~~within 120 days after receiving the application. Notwithstanding~~
11 ~~Section 65901 or 65906, every local agency shall grant a variance~~
12 ~~or special use permit for the creation of a second unit if the second~~
13 ~~unit complies with all of the following:~~

14 ~~(A) The unit is not intended for sale and may be rented.~~

15 ~~(B) The lot is zoned for single-family or multifamily use.~~

16 ~~(C) The lot contains an existing single-family dwelling.~~

17 ~~(D) The second unit is either attached to the existing dwelling~~
18 ~~and located within the living area of the existing dwelling or~~
19 ~~detached from the existing dwelling and located on the same lot~~
20 ~~as the existing dwelling.~~

21 ~~(E) The increased floor area of an attached second unit shall~~
22 ~~not exceed 30 percent of the existing living area.~~

23 ~~(F) The total area of floorspace for a detached second unit shall~~
24 ~~not exceed 1,200 square feet.~~

25 ~~(G) Requirements relating to height, setback, lot coverage,~~
26 ~~architectural review, site plan review, fees, charges, and other~~
27 ~~zoning requirements generally applicable to residential construction~~
28 ~~in the zone in which the property is located.~~

29 ~~(H) Local building code requirements which apply to detached~~
30 ~~dwellings, as appropriate.~~

31 ~~(I) Approval by the local health officer where a private sewage~~
32 ~~disposal system is being used, if required.~~

33 ~~(4) An existing ordinance governing the creation of an accessory~~
34 ~~dwelling unit by a local agency or an accessory dwelling ordinance~~
35 ~~adopted by a local agency subsequent to the effective date of the~~
36 ~~act adding this paragraph shall provide an approval process that~~
37 ~~includes only ministerial provisions for the approval of accessory~~
38 ~~dwelling units and shall not include any discretionary processes,~~
39 ~~provisions, or requirements for those units, except as otherwise~~
40 ~~provided in this subdivision. In the event that a local agency has~~

1 *an existing accessory dwelling unit ordinance that fails to meet*
2 *the requirements of this subdivision, that ordinance shall be null*
3 *and void upon the effective date of the act adding this paragraph*
4 *and that agency shall thereafter apply the standards established*
5 *in this subdivision for the approval of accessory dwelling units,*
6 *unless and until the agency adopts an ordinance that complies*
7 *with this section.*

8 ~~(2)~~

9 (5) No other local ordinance, policy, or regulation shall be the
10 basis for the denial of a building permit or a use permit under this
11 subdivision.

12 ~~(3)~~

13 (6) This subdivision establishes the maximum standards that
14 local agencies shall use to evaluate ~~a proposed second units on~~
15 ~~lots~~ *accessory dwelling unit on a lot* zoned for residential use ~~which~~
16 ~~contain~~ *that contains* an existing single-family dwelling. No
17 additional standards, other than those provided in this subdivision
18 ~~or subdivision (a),~~ subdivision, shall be utilized or imposed, except
19 that a local agency may require an applicant for a permit issued
20 pursuant to this subdivision to be an ~~owner-occupant.~~
21 *owner-occupant or that the property be used for rentals of terms*
22 *longer than 30 days.*

23 ~~(4) No changes in zoning ordinances or other ordinances or any~~
24 ~~changes in the general plan shall be required to implement this~~
25 ~~subdivision. Any~~

26 (7) A local agency may amend its zoning ordinance or general
27 plan to incorporate the policies, procedures, or other provisions
28 applicable to the creation of ~~second units~~ *an accessory dwelling*
29 *unit* if these provisions are consistent with the limitations of this
30 subdivision.

31 ~~(5) A second unit which conforms to the requirements of~~

32 (8) *An accessory dwelling unit that conforms to this subdivision*
33 *shall be deemed to be an accessory use or an accessory building*
34 *and shall not be considered to exceed the allowable density for*
35 *the lot upon which it is located, and shall be deemed to be a*
36 *residential use which that is consistent with the existing general*
37 *plan and zoning designations for the lot. The* ~~second units~~
38 *accessory dwelling unit* shall not be considered in the application
39 of any local ordinance, policy, or program to limit residential
40 growth.

1 ~~(e) No local agency shall adopt an ordinance which totally~~
2 ~~precludes second units within single-family or multifamily zoned~~
3 ~~areas unless the ordinance contains findings acknowledging that~~
4 ~~the ordinance may limit housing opportunities of the region and~~
5 ~~further contains findings that specific adverse impacts on the public~~
6 ~~health, safety, and welfare that would result from allowing second~~
7 ~~units within single-family and multifamily zoned areas justify~~
8 ~~adopting the ordinance.~~

9 *(b) When a local agency that has not adopted an ordinance*
10 *governing accessory dwelling units in accordance with subdivision*
11 *(a) receives its first application on or after July 1, 1983, for a*
12 *permit to create an accessory dwelling unit pursuant to this*
13 *subdivision, the local agency shall accept the application and*
14 *approve or disapprove the application ministerially without*
15 *discretionary review pursuant to subdivision (a) within 120 days*
16 *after receiving the application.*

17 ~~(d)~~
18 *(c) A local agency may establish minimum and maximum unit*
19 *size requirements for both attached and detached-second accessory*
20 *dwelling units. No minimum or maximum size for a second an*
21 *accessory dwelling unit, or size based upon a percentage of the*
22 *existing dwelling, shall be established by ordinance for either*
23 *attached or detached dwellings which that does not permit at least*
24 *an efficiency unit to be constructed in compliance with local*
25 *development standards. Accessory dwelling units shall not be*
26 *required to provide fire sprinklers if they are not required for the*
27 *primary residence.*

28 ~~(e) Parking requirements for second units shall not exceed one~~
29 ~~parking space per unit or per bedroom. Additional parking may~~
30 ~~be required provided that a finding is made that the additional~~
31 ~~parking requirements are directly related to the use of the second~~
32 ~~unit and are consistent with existing neighborhood standards~~
33 ~~applicable to existing dwellings. Off-street parking shall be~~
34 ~~permitted in setback areas in locations determined by the local~~
35 ~~agency or through tandem parking, unless specific findings are~~
36 ~~made that parking in setback areas or tandem parking is not feasible~~
37 ~~based upon specific site or regional topographical or fire and life~~
38 ~~safety conditions, or that it is not permitted anywhere else in the~~
39 ~~jurisdiction.~~

1 (d) Notwithstanding any other law, a local agency, whether or
2 not it has adopted an ordinance governing accessory dwelling
3 units in accordance with subdivision (a), shall not impose parking
4 standards for an accessory dwelling unit in any of the following
5 instances:

6 (1) The accessory dwelling unit is located within one-half mile
7 of public transit.

8 (2) The accessory dwelling unit is located within an
9 architecturally and historically significant historic district.

10 (3) The accessory dwelling unit is part of the existing primary
11 residence or an existing accessory structure.

12 (4) When on-street parking permits are required but not offered
13 to the occupant of the accessory dwelling unit.

14 (5) When there is a car share vehicle located within one block
15 of the accessory dwelling unit.

16 (e) Notwithstanding subdivisions (a) to (d), inclusive, a local
17 agency shall ministerially approve an application for a building
18 permit to create within a single-family residential zone one
19 accessory dwelling unit per single-family lot if the unit is contained
20 within the existing space of a single-family residence or accessory
21 structure, has independent exterior access from the existing
22 residence, and the side and rear setbacks are sufficient for fire
23 safety. Accessory dwelling units shall not be required to provide
24 fire sprinklers if they are not required for the primary residence.

25 (f) (1) Fees charged for the construction of ~~second~~ accessory
26 dwelling units shall be determined in accordance with Chapter 5
27 (commencing with Section ~~66000~~: 66000) and Chapter 7
28 (commencing with Section 66012).

29 (2) Accessory dwelling units shall not be considered new
30 residential uses for the purposes of calculating local agency
31 connection fees or capacity charges for utilities, including water
32 and sewer service.

33 (A) For an accessory dwelling unit described in subdivision (e),
34 a local agency shall not require the applicant to install a new or
35 separate utility connection directly between the accessory dwelling
36 unit and the utility or impose a related connection fee or capacity
37 charge.

38 (B) For an accessory dwelling unit that is not described in
39 subdivision (e), a local agency may require a new or separate
40 utility connection directly between the accessory dwelling unit and

1 *the utility. Consistent with Section 66013, the connection may be*
2 *subject to a connection fee or capacity charge that shall be*
3 *proportionate to the burden of the proposed accessory dwelling*
4 *unit, based upon either its size or the number of its plumbing*
5 *fixtures, upon the water or sewer system. This fee or charge shall*
6 *not exceed the reasonable cost of providing this service.*

7 (g) This section does not limit the authority of local agencies
8 to adopt less restrictive requirements for the creation of ~~second~~
9 ~~units.~~ *an accessory dwelling unit.*

10 (h) Local agencies shall submit a copy of the ~~ordinances~~
11 *ordinance* adopted pursuant to subdivision (a) ~~or (e)~~ to the
12 Department of Housing and Community Development within 60
13 days after adoption.

14 (i) As used in this section, the following terms mean:

15 (1) ~~“Living area,”~~ *area* means the interior habitable area of a
16 dwelling unit including basements and attics but does not include
17 a garage or any accessory structure.

18 (2) “Local agency” means a city, county, or city and county,
19 whether general law or chartered.

20 (3) For purposes of this section, “neighborhood” has the same
21 meaning as set forth in Section 65589.5.

22 (4) ~~“Second”~~ *“Accessory dwelling unit”* means an attached or a
23 detached residential dwelling unit which provides complete
24 independent living facilities for one or more persons. It shall
25 include permanent provisions for living, sleeping, eating, cooking,
26 and sanitation on the same parcel as the single-family dwelling is
27 situated. ~~A second~~ *An accessory dwelling unit* also includes the
28 following:

29 (A) An efficiency unit, as defined in Section 17958.1 of Health
30 and Safety Code.

31 (B) A manufactured home, as defined in Section 18007 of the
32 Health and Safety Code.

33 (5) *“Passageway” means a pathway that is unobstructed clear*
34 *to the sky and extends from a street to one entrance of the*
35 *accessory dwelling unit.*

36 (j) Nothing in this section shall be construed to supersede or in
37 any way alter or lessen the effect or application of the California
38 Coastal Act (Division 20 (commencing with Section 30000) of
39 the Public Resources Code), except that the local government shall

1 not be required to hold public hearings for coastal development
2 permit applications for ~~second~~ accessory dwelling units.

3 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
4 *Section 65852.2 of the Government Code proposed by both this*
5 *bill and Senate Bill 1069. It shall only become operative if (1) both*
6 *bills are enacted and become effective on or before January 1,*
7 *2017, (2) each bill amends Section 65852.2 of the Government*
8 *Code, and (3) this bill is enacted after Senate Bill 1069, in which*
9 *case Section 1 of this bill shall not become operative.*

10 ~~SEC. 2.~~

11 *SEC. 3.* No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 a local agency or school district has the authority to levy service
14 charges, fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning of Section
16 17556 of the Government Code.